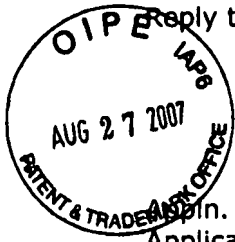


Appln. No.: 10/502,473
Amendment Dated August 24, 2007
Reply to Office Action of May 25, 2007

DTG1-120US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/502,473
Applicant: Mark Edward Dawes
Filed: August 30, 2004
Title: HEAT-SEALABLE AND SHRINKABLE MULTI-LAYER POLYMERIC FILM
TC/A.U.: 1772
Examiner: Christopher P. Bruenjes
Confirmation No.: 3902
Docket No.: DTG1-120US

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated May 25, 2007, please reconsider the above-identified application in view of the following argument.

Claims 1-6, 10, 15-18 and 21-23 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Kendig (WO 01/054886A1) in view of Meilhon (USPN 6,105,776). Claim 1 is the only independent claim. Applicants respectfully disagree with the Examiner's analysis of the art, the scope of the claims and his conclusion of obviousness.

The Supreme Court in *KSR Int'l Co. v. Teleflex Inc.* reasserted, the factual inquiries set forth in *Graham v. John Deere Co.* 383 U.S.1, 148 USPQ 459 (1966) that must be applied for determining obviousness under 35 U.S.C. 103(a) which are:

1. Determining the scope and contents of the prior art;
2. Ascertaining the differences between the prior art and the claims at issue;
3. Resolving the level of ordinary skill in the pertinent art; and
4. evaluating evidence of secondary consideration.

Under *KSR Int'l Co. v. Teleflex Inc.* the Supreme Court requires looking at what is the objective reach of the claim and "whether the improvement is more than the predictable use of prior art elements according to their established functions." (Slip op. at 13)